

GENERAL BY-LAWS

for the

TOWN OF WORTHINGTON,

MASSACHUSETTS

Effective

October 22, 1997

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SECTION I CONDUCT OF TOWN MEETINGS

1. Date of Town Meeting & Election

The Annual Town Meeting warrant will be voted on the first Saturday in May beginning in the morning and ending when all articles have been acted upon. Any Town Meeting may be adjourned to a future time and place as the Selectmen may designate. The Annual Town Election of officers shall be held on the same date.

2. Method of Voting

All votes or motions shall be taken by a show of hands or a voice vote. Nothing in this section shall be construed to prevent the taking of a vote by paper ballot. When a question is determined by a paper ballot every person voting shall have his or her name checked by the checklist of the Registrars of Voters before depositing the ballot in the receptacle provided.

3. All Articles to be Acted Upon

No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place.

4. Limitation on Speakers

No person shall address the meeting unless recognized by the Moderator nor speak more than once on the same subject to the exclusion of any other who may desire to speak.

5. Annual Town Reports

Annual Town Reports shall be made available to the registered voters at least seven days before the date of the Annual Town Meeting. Included shall be reports of the Treasurer, Tax Collector, Finance Committee, Assessors, Accountant and the Council on Aging and the reports of such other Town Boards, Committees, Officers and Departments as may be directed by the Board of Selectmen in accordance with MGL Ch40s49, as amended.

6. Quorem

A quorem of twenty-one voters shall be required for carrying on any business at an Annual or Special Town Meeting. A lesser number may adjourn any meeting to a stated place, date and time.

7. Rules of Procedure

Demeter's Manual of Parliamentary Law and Procedures shall be used for the conduct of all Town Meetings.

8. Posting of Warrants

Warrants for all Town Meetings and notice for all Town business shall be posted at the Town Hall and at the Post Office.

SECTION II ELECTED TOWN BOARDS & OFFICERS

At the Annual Town Elections, the Town shall elect one or more members of the following:

- A Board of Selectmen of three members for overlapping three year terms;
- A Board of Assessors of three members for overlapping three year terms;
- A Board of Health of three members for overlapping three year terms;
- A Cemetery Commissioner for Center, Ringville & North Cemeteries for overlapping three year terms;
- A School Committee of two members for overlapping three year terms;
- A Planning Board of five members for overlapping five year terms;
- A Finance Committee of five members for overlapping three year terms;
- Two Constables, both for two year terms;
- A Town Clerk for a term of three years;
- A Moderator for a term of three years;
- A Tree Warden for a term of three years;
- A County Commissioner for a term of two years.

Time of Taking Office

The terms of office for elected officials shall commence immediately upon qualification and shall expire at the close of the Annual Town Election at which their successors are elected. Elections to fill vacancies shall be for the remainder of the unexpired term.

Town Clerk Duties

The Town Clerk shall keep and cause to be permanently preserved a copy of the Annual Town Report, shall notify all persons of their election or appointment to Town office and shall furnish the various Town officers, boards and committees with a copy of such actions of the Town as affect them immediately after any Town Meeting.

Finance Committee Duties

It shall be the duty of the Finance Committee to consider any and all Town questions of a financial nature and to make recommendations thereon to the voters of the Town. All financial articles proposed for insertion in a Town Meeting warrant shall, prior to the time said warrant is posted, be referred to the Finance Committee for consideration. Unless the Finance Committee by a majority vote decides otherwise, a public hearing shall be held before said Committee at least two weeks prior to the Town Meeting to consider and act upon all such proposed articles. The Committee shall also consider annually the estimated budget requirements of the various Town Boards and Officers which shall be prepared in such form and detail and presented at such time as may be prescribed by the Finance Committee. After due consideration of such financial articles and budget estimates the Finance Committee shall recommend to the voters whatever action relative thereto it deems advisable for the best interest of the Town. In the discharge of these duties, said Committee shall have free access to all books of records, accounts, bills and vouchers in which money has been or may be paid from the Treasury.

SECTION III APPOINTED TOWN BOARDS AND OFFICERS

The Board of Selectmen shall appoint the following:

- A Council on Aging of eight members for overlapping three year terms, as provided by MGL Ch40s8B;
- A Historical Commission of five members for overlapping three year terms, as provided by MGL Ch40s8D;
- A Conservation Commission of seven members for overlapping three year terms, as provided by MGL Ch40s8C;
- A Zoning Board of Appeals of five members and two associate members for overlapping five year terms, as provided by MGL Ch40As12;
- A Recreation Committee of three members for overlapping three year terms, as provided by MGL Ch40sE;
- A Town Treasurer for a three year term;
- A Tax Collector for a three year term;
- A Town Accountant for a three year term, as provided by MGL Ch41s55;
- A Highway Superintendent for a one year term;
- A Police Chief for a one year term, as provided by MGL Ch41s97;
- A Fire Chief for a one year term, as provided by MGL Ch48s42;
- A Building Inspector for a one year term;
- A Plumbing Inspector for a one year term;
- A Wiring Inspector for a one year term;
- A Gas Inspector for a one year term;
- An Emergency Management Director for a one year term;
- An Animal Control Officer for a one year term;
- An Inspector of Animals for a one year term;
- A Custodian of Disposal for a one year term;
- A Veteran's Agent for a one year term;
- A competent lawyer to serve as Town Counsel for a one year term.

SECTION IV RECYCLING OF SOLID WASTE

Separation of Waste Materials

In order to support a program of recycling in conjunction with ordinary waste disposal, residents of every household and owners of every business shall separate waste materials into the following categories before depositing same for disposal: 1) glass and cans, 2) plastic, 3) paper and 4) other waste. If no separation takes place, waste material shall not be accepted at the disposal area. Repeat offenders shall suffer a fine of \$100.00 for each offense.

Enforcement

This by-law shall be enforced by the Board of Selectmen and the Board of Health, who shall have the authority to create and enforce procedures and regulations consistent with the intent of this by-law.

SECTION V CONSTRUCTION OF DRIVEWAYS ON TOWN WAYS

Permit Required

No owner or occupant of land abutting a town way of Worthington or any public way which, by statute, said Town is obligated to repair and maintain, shall construct any private road or driveway thereon so as to extend into such public way without first having obtained a written permit therefor from the Board of Selectmen and approved by the Highway Superintendent. The Board of Selectmen will notify any abutter within 35 feet of a proposed driveway prior to issuance of a driveway permit. Driveways shall be set back from the side boundary line by no less than 20 feet. In cases of hardship due to geography or drainage situations, people shall apply to the Board of Selectmen for special permission. The Board of Selectmen shall issue the permit within forty (40) days or shall render a decision in writing specifying the reasons for denial and shall base that decision upon considerations of public safety. If no action is taken by the Board of Selectmen, the permit shall be deemed granted. Said construction shall conform in all respects to standards set by the Board of Selectmen and shall be performed within one year of the date of issuance of the permit. A permit may be renewed by the Board of Selectmen for one year upon written request by the applicant.

Violations, Fines

Whoever, by himself being owner or occupant, or by his agents or servants, violates this regulation, shall be punished by a fine not to exceed \$300.00 per day and be liable in tort to the Town of Worthington for all damages caused thereby, and for the cost and expense of removing any obstructing material and restoring the public way to its former condition.

SECTION VI POSTING BUILDING NUMBERS

The owner of each building assigned a number by the Street Numbering Committee, or subsequently by the Board of Selectmen designee, shall cause that number to be posted and maintained at the building location. Building numbers must be posted no more than 50 feet from the road at a height of 6 to 8 feet above the ground, on the same side of the road and at or near the location of the building or the driveway of the building, clearly visible in all seasons, with numerals at least four inches high which contrast with the background. The Board of Selectmen shall have the authority to establish or alter rules for the posting of building numbers and to designate the Building Inspector or other official to be responsible for assigning numbers to new buildings. Approval by that official of the manner of posting shall be a condition of granting an occupancy permit.

SECTION VII DOG REGULATIONS

1. No person shall allow a dog of which he is owner or keeper:

- a) To go beyond the confines of his property unless the dog is held firmly on a leash or is under the control of its owner, keeper or his agent;
- b) To bark or howl persistently and consistently or to bark or howl for longer than 20 minutes or in any other manner disturb the peace or quiet of any neighborhood;
- c) To bite or endanger the safety of any person;
- d) To worry, kill, maim or otherwise injure another's fowl, livestock or domesticated animal;
- e) To chase, kill, maim or otherwise injure deer;
- f) To chase another's vehicle on any way open to public travel;
- g) To be unlicensed after the age of four months or untagged;
- h) To run at large or unmuzzled in violation of an order of the Selectmen or the Animal Control Officer;
- i) If a female dog in season, to be held anywhere other than in a veterinary hospital or a registered kennel or, if kept at home, to be confined only indoors or in a secure kennel.
- j) To fail to have a dog's up-to-date owner identification tag attached to the dog's collar at all times.

2. No person shall operate a kennel for the keeping of more than 4 dogs without a permit from the Board of Selectmen.

3. Any person may complain to the Animal Control Officer of any dog involved in a violation of the first subsection. Upon receipt of such complaint, the Officer shall investigate and may order the owner or keeper of the dog to restrain and/or muzzle for not longer than 21 days said animal, as the Officer deems necessary. The Officer may file a report to the Board of Selectmen asking for permanent restraint or destruction of the dog. The Selectmen, on receipt of such report and after examination of the complaint under oath, may make such order to permanently restrain, muzzle or dispose of such dog, as they deem necessary. The owner or keeper of a dog subject to such an order may file a written request with the Animal Control Officer to vacate the order, on receipt of which the Officer shall investigate and report in writing to the Selectmen, who may vacate such order.

4. The Animal Control Officer shall impound any dog found by him to be involved in a violation of the first subsection, and upon so doing shall immediately notify the owner or keeper, if ascertainable from some device on the dog, of said impoundment and of his right to redeem the dog following payment of all fees assessed. Any dog eligible to be licensed must be licensed before it shall be released. Any dog so impounded and not redeemed after 10 days shall be disposed of as provided in MGL Ch140s151A. Each offense listed in the first subsection shall constitute a separate offense for the purpose of assessing fines. The fine schedule for prohibitions (a) through (i) is as follows: First Offense \$15, Second Offense \$30.00, Third and subsequent Offenses \$75.00. The fine schedule for prohibition (j) is as follows: First Offense \$10, Second Offense \$25. The Board of Selectmen shall have the authority to set the fine schedule and fee schedule for annual license tags and to delegate a Town official to oversee the provisions of this By-Law.

SECTION VIII LOCAL LICENSES AND PERMITS

In accordance with the provisions of MGL Ch40s57, any local licensing authority for the Town of Worthington shall be granted the authority to deny an application for certain licenses and permits, or to revoke or suspend the same once granted, for failure to pay any local tax, fee, betterment or other municipal charge.

****Town Clerk's note: Per MGL, the following can not be denied via this section: dog, sporting and marriage licenses & burning permits.**

SECTION IX UNREGISTERED VEHICLES

No person shall store, keep or allow to remain on his premises more than one unregistered motor vehicle or the body or chassis thereof without a permit from the Board of Selectmen. This By-Law shall not apply to the following: motor vehicles which are designed and used for farming purposes, a premises licensed under MGL Ch140s58, motor vehicles which are stored out of sight of abutters and public ways and motor vehicles for which a plate cancellation receipt has been issued in the current year by the Registry of Motor Vehicles. This By-Law shall be enforced by the Police Department who shall issue written notice of violation to the property owner. Upon receipt of said notice, the owner shall have 14 days within which to dispose of the specified vehicle(s) or to file a written request with the Board of Selectmen for a Permit. After such time, the owner of the premises involved shall be liable for a fine of \$25.00 per day.

SECTION X WINTER PLOWING

No person, other than an employee or agent of the Town of Worthington acting in furtherance of his or her duties as temporary expediency may require, shall pile, push, plow or blow snow or ice onto or across a Town public way or sidewalk so as to impede the flow of traffic on such way or sidewalk or pile, push, plow or blow snow or ice so as to cause snow or ice to fall upon persons or vehicles traveling on such ways. Any person found in violation of this By-Law would be warned and thereafter would be subject to a fifty dollar fine for each violation.

SECTION XI PARKING ALONG PUBLIC WAYS

There is to be no parking within 3 feet of the travel lane of a public way. Violators will be liable for the towing expenses.